

Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§16–503.

(a) Whenever the Department believes a violation of any provision of this title or any regulation has occurred, the Department shall cause a written complaint to be served upon the alleged violator. The complaint shall specify the provision of law or regulation allegedly violated and the alleged fact that constitutes the violation. Subsequent to or concurrent with service of the complaint as provided in subsection (c) of this section, the Department may issue an order requiring necessary corrective action be taken within the time prescribed in its order.

(b) Any person named in the order may request in writing a hearing before the Department not later than 10 days after the date the order is served, in which case a hearing shall be scheduled within 10 days from the receipt of the request. A decision shall be rendered within 30 days from the date of the hearing. Notice of a hearing shall be served on the alleged violator in accordance with the provisions of subsection (c) of this section not less than 10 days before the time set for the hearing. The order shall become effective immediately according to its terms upon service.

(c) Except as otherwise provided, any notice, order, or other instrument issued by or under authority of the Department shall be served in accordance with § 1–204 of this article. Where service is made by mailing, proof of service may be made by the sworn statement or affidavit of the person who mailed the notice, order, or other instrument. The sworn statement or affidavit shall be filed with the Department.

(d) A verbatim record of the proceedings of hearings may be taken when necessary or advisable by the Department. A subpoenaed witness shall receive the same fees and mileage as in any civil action. If a witness refuses to obey a notice of hearing or subpoena issued under this section, any circuit court, upon the application of the Department, may issue an order requiring the person to appear, testify, or produce evidence as required. The failure to obey a court order may be punished by the court as contempt.

(e) (1) A person aggrieved by an order may appeal to the circuit court of the county in which the land is located.

(2) The court shall review the administrative record of the Department's order.

(3) The court shall declare the Department's order invalid if the court finds that the order:

- (i) Is unconstitutional;
- (ii) Exceeds the statutory authority or jurisdiction of the Department;
- (iii) Results from an unlawful procedure;
- (iv) Is affected by any other error of law;
- (v) Is unsupported by competent, material, and substantial evidence in light of the entire record as submitted; or
- (vi) Is arbitrary or capricious.

[\[Previous\]](#)[\[Next\]](#)